

AMENDED IN SENATE JUNE 24, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2294

Introduced by Assembly Members Block and Fletcher
(Coauthor: Senator Kehoe)

February 18, 2010

~~An act to add Section 21206.5 to the Vehicle Code, relating to pedicabs. An act to amend Section 21100 of, and to add Section 467.5 to, the Vehicle Code, relating to pedicabs.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2294, as amended, Block. Pedicabs: licensing.

Existing law regulates the operation of bicycles. Under existing law, local authorities may regulate, by ordinance, ~~the registration of bicycles and the parking and operation of bicycles on pedestrian or bicycle facilities provided the regulation does not conflict with the Vehicle Code or resolution, among other things, the licensing and operation of vehicles for hire and drivers of passenger vehicles for hire.~~

This bill would define the term “pedicab” and would authorize ~~the County of San Diego or a city in the~~ *a city or county* to adopt a pedicab licensing ordinance or resolution that includes, but would not be limited to, ~~a requirement that the operator of the pedicab obtain a valid California driver's license~~ *rules and regulations by an ordinance or resolution licensing and regulating the operation of pedicabs for hire, and operators of pedicabs for hire, including requiring a valid California driver's license.*

~~This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 467.5 is added to the Vehicle Code, to*
2 *read:*
3 467.5. “Pedicab” means either of the following:
4 (a) A bicycle that has three or more wheels, that transports, or
5 is capable of transporting, passengers on seats attached to the
6 bicycle, that is operated by a person, and that is used for
7 transporting passengers for hire.
8 (b) A bicycle that pulls a trailer, sidecar, or similar device, that
9 transports, or is capable of transporting, passengers on seats
10 attached to the trailer, sidecar, or similar device, that is operated
11 by a person, and that is used for transporting passengers for hire.
12 SEC. 2. Section 21100 of the Vehicle Code is amended to read:
13 21100. Local authorities may adopt rules and regulations by
14 ordinance or resolution regarding the following matters:
15 (a) Regulating or prohibiting processions or assemblages on the
16 highways.
17 (b) Licensing and regulating the operation of vehicles for hire
18 and drivers of passenger vehicles for hire.
19 (c) Regulating traffic by means of traffic officers.
20 (d) Regulating traffic by means of official traffic control devices
21 meeting the requirements of Section 21400.
22 (e) Regulating traffic by means of a person given temporary or
23 permanent appointment for that duty by the local authority
24 whenever official traffic control devices are disabled or otherwise
25 inoperable, at the scenes of accidents or disasters, or at locations
26 as may require traffic direction for orderly traffic flow.
27 A person shall not be appointed pursuant to this subdivision
28 unless and until the local authority has submitted to the
29 commissioner or to the chief law enforcement officer exercising
30 jurisdiction in the enforcement of traffic laws within the area in
31 which the person is to perform the duty, for review, a proposed
32 program of instruction for the training of a person for that duty,
33 and unless and until the commissioner or other chief law

1 enforcement officer approves the proposed program. The
2 commissioner or other chief law enforcement officer shall approve
3 a proposed program if he or she reasonably determines that the
4 program will provide sufficient training for persons assigned to
5 perform the duty described in this subdivision.

6 (f) Regulating traffic at the site of road or street construction or
7 maintenance by persons authorized for that duty by the local
8 authority.

9 (g) (1) Licensing and regulating the operation of tow truck
10 service or tow truck drivers whose principal place of business or
11 employment is within the jurisdiction of the local authority,
12 excepting the operation and operators of any auto dismantlers' tow
13 vehicle licensed under Section 11505 or any tow truck operated
14 by a repossessing agency licensed under Chapter 11 (commencing
15 with Section 7500) of Division 3 of the Business and Professions
16 Code and its registered employees.

17 (2) The Legislature finds that the safety and welfare of the
18 general public is promoted by permitting local authorities to
19 regulate tow truck service companies and operators by requiring
20 licensure, insurance, and proper training in the safe operation of
21 towing equipment, thereby ensuring against towing mistakes that
22 may lead to violent confrontation, stranding motorists in dangerous
23 situations, impeding the expedited vehicle recovery, and wasting
24 state and local law enforcement's limited resources.

25 (3) ~~Nothing in this~~ *This subdivision shall does not* limit the
26 authority of a city or city and county pursuant to Section 12111.

27 (h) Operation of bicycles, and, as specified in Section 21114.5,
28 electric carts by physically disabled persons, or persons 50 years
29 of age or older, on the public sidewalks.

30 (i) Providing for the appointment of nonstudent school crossing
31 guards for the protection of persons who are crossing a street or
32 highway in the vicinity of a school or while returning thereafter
33 to a place of safety.

34 (j) Regulating the methods of deposit of garbage and refuse in
35 streets and highways for collection by the local authority or by
36 any person authorized by the local authority.

37 (k) (1) Regulating cruising.

38 (2) The ordinance or resolution adopted pursuant to this
39 subdivision shall regulate cruising, which is the repetitive driving
40 of a motor vehicle past a traffic control point in traffic that is

1 congested at or near the traffic control point, as determined by the
2 ranking peace officer on duty within the affected area, within a
3 specified time period and after the vehicle operator has been given
4 an adequate written notice that further driving past the control
5 point will be a violation of the ordinance or resolution.

6 (3) A person is not in violation of an ordinance or resolution
7 adopted pursuant to this subdivision unless both of the following
8 apply:

9 (A) That person has been given the written notice on a previous
10 driving trip past the control point and then again passes the control
11 point in that same time interval.

12 (B) The beginning and end of the portion of the street subject
13 to cruising controls are clearly identified by signs that briefly and
14 clearly state the appropriate provisions of this subdivision and the
15 local ordinance or resolution on cruising.

16 (l) Regulating or authorizing the removal by peace officers of
17 vehicles unlawfully parked in a fire lane, as described in Section
18 22500.1, on private property. A removal pursuant to this
19 subdivision shall be consistent, to the extent possible, with the
20 procedures for removal and storage set forth in Chapter 10
21 (commencing with Section 22650).

22 (m) *Licensing and regulating the operation of pedicabs for hire,*
23 *as defined in Section 467.5, and operators of pedicabs for hire,*
24 *including requiring a valid California driver's license.*

25 ~~SECTION 1. Section 21206.5 is added to the Vehicle Code,~~
26 ~~to read:~~

27 ~~21206.5. (a) For purposes of this section, "pedicab" means~~
28 ~~either of the following:~~

29 ~~(1) A bicycle that has three or more wheels, that transports, or~~
30 ~~is capable of transporting, passengers on seats attached to the~~
31 ~~bicycle, that is operated by a person, and that is used for~~
32 ~~transporting passengers for hire.~~

33 ~~(2) A bicycle that pulls a trailer, sidecar, or similar device, that~~
34 ~~transports, or is capable of transporting, passengers on seats~~
35 ~~attached to the trailer, sidecar, or similar device, that is operated~~
36 ~~by a person, and that is used for transporting passengers for hire.~~

37 ~~(b) The County of San Diego or a city within the county may~~
38 ~~adopt a pedicab licensing ordinance or resolution that includes,~~
39 ~~but is not limited to, a requirement that the operator of the pedicab~~
40 ~~obtain a valid California driver's license, so as to ensure that the~~

1 ~~pedicab operator has demonstrated knowledge of the applicable~~
2 ~~requirements of this code before being allowed to transport~~
3 ~~passengers for hire.~~

4 ~~SEC. 2. The Legislature finds and declares that a special law~~
5 ~~is necessary and that a general law cannot be made applicable~~
6 ~~within the meaning of Section 16 of Article IV of the California~~
7 ~~Constitution because of the unique need to regulate the numerous~~
8 ~~pedicabs operating in the County of San Diego, and to ensure the~~
9 ~~safety of passengers and pedestrians.~~

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